
Appeal Decision

Site visit made on 1 February 2017

by George Mapson DipTP DipLD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 February 2017

Appeal Ref: APP/W4705/C/16/3153998

296 Leeds Road, Shipley, BD18 1EZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Waqas Javaid (HairBase) against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The Council's reference is 16/00112/APPENF.
 - The notice was issued on 31 May 2016.
 - The breach of planning control as alleged in the notice is "*Without planning permission, the installation of an externally mounted roller shutter, shutter box and associated guide rails to the front elevation of the property on the land ("the property") as shown on the attached photograph*".
 - The requirements of the notice are "*i. remove the unauthorised roller shutter, shutter box and associated guide rails. ii. remove all resulting materials from the land. iii. Make good any damage caused to the property as a result of compliance with the requirements of this notice*".
 - The period for compliance with the requirements is two calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

2. An appeal on ground (a) is that planning permission should be granted for the matters alleged in the enforcement notice.

The appeal site and surroundings.

3. Leeds Road (the A657) is a busy route into Shipley from the east. No. 296 Leeds Road is part of a parade of four ground floor shop units with 1st floor accommodation above. The shopfront consists of two large display windows each side of a central entrance door. Although set back from the main highway behind a grassed verge and forecourt, the shopping parade is prominently close to Leeds Road and is clearly visible to the passers-by.

The appeal development

4. The appeal development consists of an externally mounted metal roller shutter, shutter box and guiderails. The shutter extends across the entire frontage of the unit. About 2/3^{rds} of its depth is solid metal and about 1/3rd is a horizontal perforated section.
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When the shutter is lowered, this perforated section enables a small amount of light to be emitted from within the building.

5. The other shop units within this parade do not have roller shutters. Security for their shopfronts is provided by externally mounted metal mesh grilles or bars. These solutions, though not attractive additions to the shopfront, are visually less intrusive than solid roller shutters and enable most of the light within the building to be emitted.

Planning policy

6. No special policies, controls or designations apply to the appeal property or the surrounding area. The development plan¹ policies cited as relevant to this appeal are saved policies D1, UR3 and UDP3 of the adopted Replacement Unitary Development Plan (2005). The aim of these policies is to ensure that the design of new development is of high quality and that it respects the building and its surroundings. In this respect these policies broadly reflect the objectives of paragraph 56 of the NPPF².
7. The Council also refers to its Supplementary Planning Document [SPD] entitled '*A shopkeepers guide to securing their premises*' (December 2012). The purpose of the guide is to provide clear and practical design guidance to supplement local and national planning policies.
8. The guide has three key aims. Firstly, to give shopkeepers and their agents a clear basis for developing proposals with some certainty that the final result is likely to be acceptable. Secondly, to ensure that proposals are well designed and complement or enhance the character of the premises and the surrounding area. Thirdly, to ensure that proposals provide the highest levels of security for shopkeepers' premises, balanced with the promotion of high standards of design.
9. The Council is aware that security is a major concern for shopkeepers and owners, but external security measures are discouraged because they tend to be highly visible and therefore can have an adverse impact upon the appearance of a building and its surroundings.
10. The Council wants to protect and enhance the appearance of the District's high streets, centres and shopfronts in general to ensure that they remain attractive and welcoming places, especially during the evening and night. Effective security measures must be a balance between protection from criminal activities and the need for streets to remain attractive and welcoming after trading has ceased for the day.
11. External solid shutters hide shop fronts and window displays and reduce light to the pavements. They create deadening, unwelcoming and neglected effects on the street. These effects give rise to an unfriendly appearance and can create a perception of an unsafe environment. They also present easy targets for graffiti, which can add to the detrimental impact upon the streetscene.
12. The view of the police, as expressed in the shopkeepers' guide, is that people perceive an area as having high crime because of the way it looks, and so they avoid it. This in turn can encourage antisocial behaviour, causing residents and pedestrians to further avoid the area. In this way the 'fear avoidance' cycle becomes embedded. For these reasons, the guide makes it clear that the use of external roller shutters is unlikely to be acceptable, unless it can be demonstrated that internal security measures have been fully considered and would be unsuitable in the particular circumstances.

¹ The National Planning Policy Framework [NPPF] maintains the statutory status of the development plan as the starting point for decision making. It states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts with it should be refused unless other material considerations indicate otherwise.

² NPPF paragraph 56: "*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*"

Main issues

13. The main issue is whether the externally mounted solid roller shutter and its fittings significantly harm the appearance of the building and the street scene.

Reasons and conclusions

14. The appellant has failed to heed the advice in the shopkeepers' guide. There is no clear evidence to indicate that internal security measures have been fully considered as an alternative to external roller shutters at the appeal building.
15. The use of an externally mounted roller shutter gives rise to many of the harmful effects that local and national planning policies seek to tackle. When lowered, the shopfront is concealed and the shutter dominates the frontage of the building. The eye of the passer-by is drawn to it rather than to the shopfront.
16. The shutter creates an unattractive 'dead frontage' and limits light spillage onto the footway. Well lit footways beside the roads maintain and improve the ambience and attractiveness of an area, giving the impression that it is well used and safe. Conversely, dimly lit areas, those where lowered roller shutters reduce light to the footways, create a different atmosphere; one that is gloomy and intimidating. These streets become places to be avoided.
17. The appellant has drawn attention to premises elsewhere that have similar security shutters. I have no detailed information about those shutters or their planning status, but they would not make a strong case for permitting the unauthorised shutter on this building. I share the Council's view that the proliferation of external roller shutters reinforces public perceptions of an unsafe environment.
18. In summary, I find that the unauthorised shutter has a significant adverse effect on the frontage of the building and the street scene. The development conflicts with the objectives of the development plan, the NPPF and the SPD, and is therefore unacceptable. No conditions would overcome the harm caused. For these reasons, the appeal on ground (a) fails.

Overall Conclusions

19. I have taken account of my observations at the site and all the matters raised in the written representations, including the appellant's wish to make the appeal premises secure. However, as other less damaging means are available to protect commercial properties (as the shopkeepers' guide makes clear), this is not an argument that overrides the factors that have led me to my decision.
20. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

George Mapson

INSPECTOR